(Chapter I—Preliminary)

MADRAS ACT No. II OF 1894.[1]

[THE MADRAS PROPRIETARY ESTATES' VILLAGE SERVICE ACT, 1894.]

[29*th May* 1894.]

An Act to amend the law relating to Village Officers in permanently settled and certain other estates.

Preamble. WHEREAS it is expedient to amend the law relating to village-officers in permanently-settled estates, in unsettled palaiyams and in inam villages, and to make better provision for their appointment and remuneration, and for the prevention and summary punishment of misconduct or neglect of duty on their part, and generally for securing their efficiency; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title. 1. This Act may be called the Madras Proprietary Estates' Village Service Act, 1894.

Extent. 2. [2][The State Government] may, by notification, extend this Act or any portion thereof to any estate within the Presidency of Madras, and to the office of any of the following classes of village-officers, by whatever designations such village-officers may be locally known, in such estates :—

(1) Village-accountants ;

(2) Heads of villages ;

(3) Village watchmen or police officers ; [3][and may at any time rescind, revoke, amend or vary, any such notification].

In case of doubt whether a village-officer in any estate falls under any of the above classes, [2][the State Government] shall have power to decide whether such village-officer comes under any of the above classes and, if so, under which of them.

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[1] Introduced as a Bill to amend the law in regard to "Karnams and other Village-officers", etc.

For Statement of Objects and Reasons, *see Fort St. George Gazette* Supplement, dated 31st January 1893, page 8 ; for Report of the Select Committee, *see ibid*, dated 11th April 1893, page 1 ; for further Report of the Select Committee, *see ibid*, dated 8th November 1893, page 1 ; for Proceedings in Council, *see ibid*, dated 7th March 1893, page 3 ; *ibid*, dated 11th April 1893, page 4 ; *ibid*, dated 2nd May 1893, page 17 ; *ibid*, dated 21st November 1893, pages 2 and 17 ; *ibid*, dated 9th January 1894, page 7 ; *ibid*, dated 23rd January 1894, page 3 ; *ibid*, dated 30th January 1894, page 2 ; and *ibid*, dated 6th February 1894, page 6.

[2] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] These words were inserted by Mad. Act III of 1914, s. 4.

Repeal.

3. Upon the extension of this Act or of any portion thereof to the office of village-accountant in any estate, section 11 of Madras Regulation XXV of 1802[1] and Madras Regulation XXIX of 1802[1] (*a regulation for establishing the office of karnam and defining the duties of the said office*) shall cease to be in force in such estate.

Interpretation clause.

4. In this Act, unless there is something repugnant in the subject or context—

Estate.

"Estate" means—

(*a*) any permanently-settled estate, whether a zamindari, jaghir, mitta or palaiyam;

(*b*) any portion of such permanently-settled estate which has been separately registered in the office of the Collector;

(*c*) any unsettled palaiyam[2] [or jaghir];

(*d*) any inam village of which the grant was made or confirmed by the [3][* * *] Government;

(*e*) any portion, consisting of one or more villages, of any of the estates specified above in clauses (*a*), (*b*) and (*c*), which is held on a permanent under-tenure:

"Proprietor."

"Proprietor" means any person in whose name any estate is for the time being registered in the office of the Collector of the district wherein the estate is situated and, in respect of an estate specified above in clause (*e*), the holder thereof;

Where an estate is so registered in the names of two or more persons as joint owners thereof, the proprietor shall, for the purposes of this Act, be the person who is recognized by the other joint-owners as the manager of the estate or who, in case of dispute, is recognized and registered by the Collector as senior joint-owner:

[4][If one or more villages or portion thereof in any estate be grouped or amalgamated with one or more villages or portions thereof, in any other estate, the Collector shall declare which of the proprietors of the said villages shall, for the purposes of this Act, be the proprietor of the new village.]

[5][* * * * * *]

"Village".

"Village" means any local area situated in or constituting an estate to which this Act or any portion thereof has been

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[1] Short titles respectively "The Madras Permanent Settlement Regulation, 1802", and "The Madras Karnams Regulation, 1802" were given by the First Schedule to the Repealing and Amending Act, 1901 (Central Act XI of 1901).

[2] These words were inserted by Mad. Act III of 1895, s. 2 (3), with effect from 1st October 1895.

[3] The word "British" was omitted by the Adaptation (Amendment) Order of 1950.

[4] This paragraph was added by Mad. Act III of 1914, s. 5.

[5] The proviso which was inserted by s. 1 of Mad. Act IV of 1900 was repealed by Mad. Act VI of 1911, s. 2.

extended and which is now recognized as a village or which may hereafter be declared by [1][the State Government] for the purposes of this Act to be a village:

"Village-office" means, in respect of any estate, an office in such estate to which this Act or any portion thereof has been extended by notification under section 2; and "Village-officer" means a person holding or discharging the duties of such office. "Village-office" and "Village-officer."

CHAPTER II.

VILLAGE ESTABLISHMENTS; THEIR STRENGTH, APPOINTMENT AND CONTROL.

5. Every proprietor shall, within three months after requisition from the District Collector, prepare a register containing particulars of all the village-officers and village-servants employed in his estate and of their emoluments and duties in a form to be prescribed by the Board of Revenue and shall submit it to the District Collector: Register of village-officers to be prepared and submitted Collector ont requisition.

Provided that the said Collector may at his discretion extend the period for the submission of the said register.

6. (1) Whenever it appears to the District Collector that, as a matter of administrative convenience, it is desirable that any portion of a village should be registered as a separate village, or that two or more villages or portions thereof[2] [* * *] should be grouped or amalgamated, he shall, by notice in writing, require the proprietor [3][or proprietors concerned] and also the village-officers likely to be affected by the proposed change to show cause, within three months after service of such notice, why such portion of a village should not be so registered or such villages or portions thereof be so grouped or amalgamated. Division and grouping of villages.

(2) If the [4][proprietors] or the village-officers aforesaid fail to show such cause, the said Collector shall submit the records of the proceedings to the Board of Revenue, and shall then, with the previous sanction of the said Board, declare by notification in the District Gazette such portion of a village or such villages or portions thereof so grouped or amalgamated to be a village for the purposes of this Act, and shall cause such notification to be published in the said village and a copy

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] The words "in any estate" were omitted by Mad. Act III of 1914, s. 6.

[3] These words were substituted for the words "of the estate in which the village or villages is or are situated" by *ibid.*

[4] This word was substituted for the word "proprietor" by *ibid.*

thereof to be furnished to the [1] [proprietors]. Before according such sanction the Board of Revenue shall consider any representations which may be made to it within three months of the Collector's submission of the record by the [1] [proprietors] or by the village-officers aforesaid or by others affected.

[2] [* * * * * *]

Such establishment as Collector requires to be maintained in each village.

7. In every village, there shall be maintained so many and such village-officers as the District Collector, subject to the orders of the Board of Revenue, may direct.

Vacancies in village-offices to be reported by proprietor.

8. Every vacancy caused by the death or resignation of a village-officer shall, within thirty days after the occurrence thereof, be reported by the proprietor to the Revenue-officer in charge of the division of the district wherein such village is situated.

Proprietor to appoint new officer but to report fact to Divisional Officer.

9. When a vacancy has occurred in a village-office or the District Collector directs that a village-officer shall be appointed to a newly created village-office, the proprietor of the village shall, within six weeks, appoint a person to such vacant or newly created village-office and send notice of the appointment in writing, in such form as the Board of Revenue may, by rules made under section 32, prescribe, to the Revenue-officer in charge of the division of the district in which the village is situated.

Rules to be observed in making appointments.

10. In making an appointment under section 9 the proprietor shall observe the rules contained in the following sub-sections :—

General qualifications requisite in all cases.

(1) [3] [No person shall be eligible for appointment—

(i) to the office of the head of a village or of a village-accountant, if such person has petitioned to be adjudged an insolvent and the petition is pending disposal, or if he, having been adjudged an insolvent, has not obtained an order of discharge ; or

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[1] This word was substituted for the word "proprietor" by Mad. Act III of 1914, s. 6.

[2] Sub-section (3) was repealed by Mad. Act III of 1914, s. 3. The original sub-section ran as follows :—"(3) The cost, if any, of all proceedings under sub-sections (1) and (2) shall be paid from the Proprietary Estates' Village service Fund constituted under section 28."

[3] These words and figures were substituted for the words "No person shall be eligible for appointment to any village-office who—" by section 2 (*a*) of the Madras Proprietary Estates' Village-service and Hereditary Village-offices (Amendment) Act, 1941 (Madras Act XVIII of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

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(ii) to any village-office (including the offices aforesaid if such person—]

[1][* * * * *]

(*b*) has not attained the age of majority;

(*c*) is not physically and mentally capable of discharging the duties of the office;

(*d*) has not qualified according to the educational test prescribed for the office in question by the Board of Revenue by rules made under section 32;

(*e*) has been convicted by a Criminal Court of any offence which, in the opinion of the Revenue-officer in charge of the division or of the District Collector, disqualifies him for holding the office.

[2][(*f*) has been dismissed from any post under the Government on any ground which the Revenue-officer in charge of the division or the District Collector considers sufficient to disqualify him for holding the office.]

Primogeniture to be observed in cases of hereditary office.

(2) The succession to all hereditary village-officers shall devolve on a single heir according to the general custom and rule of primogeniture governing succession to impartible zamindaris in Southern India.

In certain cases person other than direct heir may be appointed.

(3) Where the next heir to an hereditary village-office is not qualified under sub-section (1), the proprietor shall appoint the person next in order of succession who is so qualified, and in the absence of any such person in the line of succession, may appoint any person duly qualified under sub-section (1).

Divisional Officer may after, in certain cases holding inquiry require proprietor to appoint another person.

11. (1) If the Revenue-officer to whom notice of appointment is sent under section 9 considers the person appointed to be disqualified under sub-section (1) of the preceding section, he may at any time within three months from the date of the receipt by him of the said notice of appointment, and, in cases falling under [3][clause (i) and sub-clauses (*c*), (*e*) and (*f*) of clause (ii)] in sub-section (1) of section 10, after giving

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[1] The letter and words "(*a*) is not of the male sex;" were omitted by the Adaptation (Amendment) Order of 1950.

[2] This sub-clause was added by section 2 (1) of the Madras Proprietary Estates' Village-service and Hereditary Village-offices (Amendment) Act, 1950 (Madras Act IV of 1950).

[3] The words, figures, letters and brackets "clause (i) and sub-clauses (*c*) and (*e*) of clause (ii)" were substituted for the words, letters and brackets "clauses (*c*) and (*e*)" by section 2 (*b*) of the Madras Proprietary Estates' Village-service and Hereditary Village-offices (Amendment) Act, 1941 (Madras Act XVIII of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949) and the words, brackets and letters "sub-clauses (*c*), (*e*) and (*f*)" were substituted for the words, brackets and letters "sub-clauses (*c*) and (*e*)" by section 2 (2) of the Madras Proprietary Estates' Village-service and Hereditary Village-office (Amendment) Act, 1950 (Madras Act IV of 1950).

notice to the parties concerned and making inquiry, record his objections and call upon the proprietor to appoint another person, and the proprietor shall thereupon do so and send notice of such new appointment to the said Revenue-officer within six weeks after such requisition :

Provided that the person first appointed by the proprietor shall discharge the duties of the office and be entitled to the emoluments thereof until his appointment is set aside and another person is appointed in his place.

In certain cases Divisional Officer may himself make the appointment.

(2) If the notice of appointment referred to in section 9 or the notice of the new appointment referred to in sub-section (1) is not received within the prescribed time, or if the person newly appointed under sub-section (1) is also considered by the said Revenue-officer, after giving notice and making inquiry as aforesaid, to be disqualified as aforesaid, such officer may make the appointment himself by selecting a person duly qualified under section 10.

Appeal allowed.

(3) Whenever an appointment is disallowed under this section, an appeal shall lie to the District Collector within one month, or if the officer disallowing the appointment is the District Collector, an appeal shall lie to the Board of Revenue within three months.

In certain cases appointment of member of family of last holder may be prohibited.

12. Where an hereditary village-office has become vacant by the dismissal, [1][removal] or suspension of the last holder, the authority by whom he was dismissed, [1][removed] or suspended may direct that, until the death, [1][re-appointment] or return to duty of such last holder, the duties of the office shall be performed by some person duly qualified under sub-section (1) of section 10 who is not an undivided member of the family of the dismissed, [1][removed] or suspended officer, to be appointed by the proprietor subject to the approval of the Revenue-officer in charge of the division :

Provided that, when the officer who has been dismissed [2] [or removed] dies or if the officer who has been suspended dies while under suspension, the vacancy caused by such death shall be filled up in accordance with the provisions of sub-sections (2) and (3) of section 10.

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[1] This word was inserted by section 2 (*c*) of the Madras Proprietary Estates' Village-service and Hereditary Village-offices (Amendment) Act, 1941 (Madras Act XVIII of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[2] These words were inserted by section 2 (*d*) *ibid.*

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Procedure to be adopted where heir of last holder is a minor.

[1] **13.** When the person who would otherwise be entitled to succeed to an hereditary village-office is a minor, the proprietor shall submit his name to the Revenue-officer in charge of the division for registration as the heir of the last holder, and shall, at the same time and subject to the approval of the said Revenue-officer, appoint some other person qualified under sub-section (1) of section 10 to discharge the duties of the office until the person registered as heir, on attaining majority or within three years thereafter, is qualified under sub-section (1) of section 10 to discharge the duties of the office himself, when he shall be appointed thereto by the proprietor.

[2] [If the person registered as heir under this section remains disqualified under sub-section (1) of section 10 for three years after attaining majority, he shall be deemed to have forfeited his right to the office. On such forfeiture or on his death, the vacancy shall be filled up in accordance with the provisions of this Act, as if he was the last holder of the office.]

Procedure to be ordinarily adopted in case of resignation, dismissal, removal or suspension of officer.

14. (1) If a vacancy is caused by the resignation, dismissal, removal or suspension of the holder of an hereditary village-office, and the authority by whom he was dismissed [3] [removed] or suspended does not give the direction referred to in section 12, the vacancy shall be filled up in accordance with the provisions of this Act as if it had been caused by the death of the said holder :

Provided that, upon the expiry of the period of suspension of an officer who has been suspended, or if, for any reason, an officer who has been dismissed, removed or suspended is permitted to resume the office from which he has been dismissed, removed or suspended, the person appointed to fill the vacancy caused by the said suspension, dismissal or removal shall cease to hold office.

(2) The provisions of section 11 shall, *mutatis mutandis*, apply to appointments to be made under this section and

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[1] *See* the Madras Proprietary Estates' Village-service and Hereditary Village-offices (Amendment) Act, 1943 (Madras Act XXI of 1943), re-enacted permanently with specified modifications by section 3 of, and the Second Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

[2] These sentences were substituted for the last sentence of section 13 by section 2 of the Madras Village-offices (Amendment) Act, 1930 (Madras Act VII of 1930).

[3] This word was inserted by section 2 (*e*) of the Madras Proprietary Estates' Village-service and Hereditary Village-offices (Amendment) Act, 1941 (Madras Act XVIII of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

sections 12 and 13 [1] [subject to the following modifications, namely :—

(*a*) The Revenue-officer shall also have power to disallow any appointment made by the proprietor in the case referred to in the first paragraph of section 12 or of section 13, on the ground that the person appointed is, for any good and sufficient cause recorded by the Revenue-officer in writing, unsuitable for the office.

(*b*) The power of disallowance conferred by clause (*a*) shall not be exercised except after giving notice to the person concerned and making inquiry.

Explanation.—Disallowance of any appointment under clause (*a*) shall be deemed to be a disallowance under section 11 for all the purposes of that section.]

Appointments how to be made in grouped and divided villages.

15. (1) When two or more villages or portions thereof are grouped or amalgamated under this Act to form a single new village, or any village is divided into two or more villages, all the village-officers of the villages or village so grouped, amalgamated or divided shall cease to exist and new offices which shall be hereditary if any of the offices they replace were hereditary shall be created for the new village or villages. In choosing persons to fill such new offices, the proprietor shall select the persons whom he may consider the best qualified from among the [2][families of the last] holders of the offices which have been abolished and shall report his action to the Revenue-officer in charge of the division.

Who to be retained in case of reduction of establishment.

(2) If in any village two or more village-offices of any one class exist and the District Collector, acting under section 7, considers that a reduction in the number of such offices is necessary, he shall give notice to that effect to the proprietor, who shall thereupon dispense with the services of the officers no longer required, shall retain those whom he may consider to be best qualified to discharge the duties of the remaining offices, and shall report his action to the Revenue-officer in charge of the division.

Divisional Officer to exercise powers of proprietor in certain cases.

(3) If the proprietor fails to submit the report referred to in sub-sections (1) and (2) within six weeks of the creation of the new offices or of the issue of the District Collector's

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[1] The portion within square brackets was added by section 2 (*f*) of the Madras Proprietary Estates' Village-service and Hereditary Village-offices (Amendment) Act, 1941 (Madras Act XVIII of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[2] These words were inserted by Madras Act III of 1895, section 2 (3), with effect from 1st October 1895.

notice directing a reduction in the number of village-offices, the powers vested in the proprietor by sub-sections (1) and (2) may be exercised by the Revenue-officer in charge of the division.

[1] [(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), no person shall be deemed to be ineligible for selection under sub-section (1) or retention under sub-section (2), by reason only of his being a minor. If a minor is selected under sub-section (1) or retained under sub-section (2), he shall be registered as the holder of the office and thereafter the procedure laid down in section 13 shall be adopted.]

Proprietor if specially empowered may punish village-officers by fine, subject to appeal.

16. (1) A proprietor empowered in this behalf by the Board of Revenue may, after inquiry, fine any village-officer, to the extent of three rupees, for misconduct or neglect of duty as such village-officer, and shall record his reasons for so doing in writing and furnish a copy of the same to such village-officer and to the Revenue-officer in charge of the division. An appeal shall lie within one month from the date of furnishing such copy against such fine to the said Revenue-officer, whose decision shall be final.

The powers conferred under this sub-section by the Board of Revenue on any proprietor may, at any time, be withdrawn.

Collector and Divisional officer may fine, suspend, dismiss or remove village-officers.

(2) The District Collector or Revenue-officer aforesaid may, of his own motion or on complaint and after inquiry, [2][suspend or remove the head of a village or a village accountant, if he petitions to be adjudged an insolvent, or is adjudged an insolvent, and] fine, suspend, dismiss or remove any village-officer[3] [including the village officers aforesaid] for misconduct or for neglect of duty or incapacity as such village-officer or for non-residence in the village [2][or for any other sufficient cause], and shall record his reason for so doing in writing and furnish a copy of the same to the proprietor and to the village officer concerned. Every village-officer convicted of an offence of the kind mentioned in [4][sub-clause (*e*) of clause (ii) of sub-section (1)] of section 10 shall be dismissed.

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[1] Sub-section (4) was inserted by section 2 of the Madras Village-offices Amendment Act, 1930 (Madras Act VII of 1930).

[2] These words were inserted by section 2 (*g*) of the Madras Proprietary Estates' Village-service and Hereditary Village-offices (Amendment) Act, 1941 (Madras Act XVIII of 1941) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[3] These words and brackets were inserted by *ibid.*

[4] These words, figures, letter and brackets were substituted for the word figure, letter and brackets "sub-section 1 (*e*)" by section 2 (*g*) *ibid.*

Appeals against orders passed under sub-section (2).

(3) Against every order passed by the District Collector or Revenue-officer aforesaid under sub-section (2) an appeal shall lie to the Board of Revenue within three months or to the District Collector within one month, as the case may be.

The decision on appeal of the Board of Revenue or the said Collector, as the case may be, shall be final: Provided that a second appeal shall lie within three months to the Board of Revenue [1] [against any order passed on appeal by the District Collector dismissing or removing a village-officer].

CHAPTER III.

THE VILLAGE-SERVICE CESS; ITS AMOUNT AND APPORTIONMENT AND THE METHOD AND INCIDENTS OF ITS LEVY.

State Government may enfranchise village service inams by imposition of quit-rent.

17. If the remuneration of a village-office consists in whole or in part of lands, or assignments of revenue payable in respect of lands, granted or continued in respect of or annexed to such village-office by the State, [2] [the State Government] may enfranchise the said lands from the condition of service by the imposition of quit-rent under the rule for the time being in force in respect of the enfranchisement of village-service-inams in villages not permanently settled or under such rules as [2] [the State Government] may lay down in this behalf; such enfranchisement shall take effect [3] [from such date as [2] (the State Government] may notify] :

Date from which enfranchisement to take effect.

Provisos.

Provided that the said enfranchisement shall be applicable to all lands or assignments as aforesaid even though, at the time this Act comes into force they may not be devoted to the purpose for which they were originally granted; and provided, further, that any lands or emoluments derived from lands which may have been granted by the proprietor for the remuneration of village-service and which are still so held or enjoyed may be resumed by the grantor or his representative.

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[1] These words were substituted for the words "against the order of the District Collector confirming on appeal the order of the Revenue-officer in charge of the division dismissing a village-officer" by section 2 (*h*), of the Madras Village offices (Amendment) Act, 1941 (Madras Act XVIII of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[2] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] These words were substituted for the words and figures "on or after the date fixed in the notification issued under section 19 for the levy of a village-service cess," by Madras Act III of 1914, section 7.

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18 to 26. *Repealed by the Madras Proprietary Estates' Village Service (Amendment) Act, 1914 (Mad. Act III of 1914).*

27. On or after the date notified under [1] [the provisions of this Chapter]

Payments in excess of permanent assessment lawful in certain cases.

(1) If in any estate the cost of village-establishments was provided for by a reduction of the permanent assessment on the condition that the amount of such reduction should be devoted to paying the village-establishments, it shall be lawful for [2] [the State Government] to require the proprietor to pay, along with the present permanent assessment, such sum, not exceeding the amount of such reduction as represents the annual remuneration at the time of such reduction of the classes of village-officers brought within the scope of this Act;

(2) Where the said cost of village-establishments was provided for by a deduction from the assets of an estate before its permanent assessment was fixed, it shall be lawful for [2] [the State Government] to require the proprietor to pay, along with the present permanent assessment, a sum equal to that by which it would have been increased had no such deduction been made on account of the remuneration of the classes of village-officers brought within the scope of this Act;

In either of the cases referred to in sub-sections (1) and (2) the proprietor shall no longer be liable for the payment of such classes of village-officers; [3] [* * * *];

Permanent assessment shall be reduced in certain cases.

(3) Where the cost of maintaining any office to which this Act has been extended under section 2, and which is in existence in an estate at the date upon which this Act is extended thereto was included in the assets upon which the permanent assessment of the estate was fixed, the said permanent assessment shall be reduced to the amount at which it would have been fixed had no such inclusion in the assets taken place;

Rent may be raised or reduced in certain cases.

(4) If, in any case, the rent payable to a proprietor in respect of any land has been fixed under an agreement, subsisting on the date of this Act coming into force, to the effect that any portion of the remuneration of the village-officers shall be borne by the tenant or the proprietor, as the case may be, it shall be lawful for the proprietor or tenant to

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[1] These words were substituted for the word and figures "section 19" by Madras Act III of 1914, section 9.

[2] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] The words "and the payments made along with the permanent assessment shall be credited to the Proprietary Estates' Village-service Fund" were omitted by Madras Act III of 1914, section 9.

(*Chapter III.—The Village-service Cess; its Amount and Apportionment and the Method and Incidents of its Levy. Chapter IV.—The Village-service Fund; its Constitution and the Payment of Salaries therefrom. Chapter V.—General.*)

apply to the Collector for sanction to increase the said rent or to demand its reduction; and the Collector shall, upon receipt of such application and upon satisfactory proof of the justice of the claim, grant such sanction and increase or reduce the rent to the amount at which it would have been fixed had no such agreement been entered into.

CHAPTER IV.

THE VILLAGE-SERVICE FUND; ITS CONSTITUTION AND THE PAYMENT OF SALARIES THEREFROM.

28. [*Proprietary Estates' Village-service Fund.*] *Rep. by the Mad. Proprietary Estates, Village Service (Amendment) Act,* 1914 (*Mad. Act III of* 1914).

Salaries and allowances of village-officers to be paid after date to be notified.

29. On or after the date notified in any estate under [1][the provisions of Chapter III], the village-officers shall be paid [1][* * * *] the salaries and other allowances to which they may be entitled according to such scale and in such manner as may be prescribed by the Board of Revenue by rules made under section 32.

No fee, etc., to be collected or demanded in respect of village-officers, after date to be notified.

30. On or after the date notified in any estate under [2][the provisions of Chapter III], all fees, contributions and allowances collected or demandable in such estate for the remuneration of village-officers shall absolutely cease and determine.

Penalty for demanding fees, etc.

Whoever, thereafter, in such estate demands, collects or receives such fees, contributions, or allowances shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees.

CHAPTER V.

GENERAL.

31. (1) Every proprietor who wilfully omits—

(*a*) to furnish a register as required by section 5,

(*b*) to submit the name of a minor heir as required by section 13,

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[1]The words and figures "the provisions of Chapter III" were substituted for the word and figures "section 19" and the words "from the aforesaid fund of the district in which the estate is situated" were omitted by Madras Act III of 1914, section 10.

[2]These words and figures were substituted for the word and figures "section 19" by *ibid*, section 11.

[1][* * * * *]

shall be liable to the imposition by the District Collector of a penalty not exceeding one-hundred rupees for every such omission: Provided that a proprietor wilfully omitting to furnish the register required by section 5 shall be liable to a further penalty not exceeding twenty-five rupees for each day during which the omission continues after the imposition of the first penalty. A penalty imposed under this section shall be recoverable in the manner provided in Madras Act II of 1864 for the recovery of arrears of land-revenue. Penalties.

(2) An appeal shall lie within three months against every penalty imposed under this section to the Board of Revenue.

32. The Board of Revenue may, with the approval of [2][the State Government] and after previous publication, make rules not inconsistent with this Act in regard to the following matters :— Power to make rules.

(i) the division, grouping, and amalgamation of villages;

(ii) the educational qualifications required of village-officers;

(iii) the form of register to be prepared under section 5 and the form of notice of appointment to be sent under section 9;

(iv) the salaries and other allowances to be assigned to village-officers and the method of their payment;

(v) the duties of the several village-officers and the descriptions and forms of the accounts and registers to be kept by them;

(vi) the procedure to be followed in conducting inquiries under section 16;

(vii) the custody, production and transfer of the accounts and other records kept by village-officers;

[3][* * * * * *]

(ix) the dates for payment by instalments of quit-rent [3][* *] and the amounts of such instalments;

(x) any other matters calculated to enhance the efficiency of the village-service.

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[1] Clause (c) was omitted by Madras Act III of 1914, section 12. The original clause ran as follows :—

"(c) to furnish the Collector with the list required by section 21."

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] Clause (viii) and the words "and cess" in clause (ix) were omitted by Madras Act III of 1914, section 13. The original clause (viii) ran as follows :—"(viii) the management and audit of the fund constituted under this Act and the accounts to be maintained in connexion therewith."

(*Chapter V—General.*)

Jurisdiction of Civil Courts ousted in certain cases.

[1][33. No Civil Court shall have authority to take into consideration or decide any question regarding the rates or amounts of the quit-rent or payment, under section 27 imposed or levied under this Act.]

In certain cases Board of Revenue to dispose of appeals made to District Collectors.

34. If the officer to whom an appeal is presented under this Act in the capacity of District Collector happens to be the officer who passed the decision which is appealed against in the capacity of Revenue-officer in charge of a division, he shall report the fact to the Board of Revenue, and the appeal shall be disposed of by the said Board, whose decision shall be final.

MADRAS ACT No. III OF 1895.[2]

[THE MADRAS HEREDITARY VILLAGE-OFFICES ACT, 1895.]

[*8th April* 1895 ; *1st July* 1895.]

An Act to repeal Madras Regulation VI of 1831, and for other purposes.

Preamble.

WHEREAS it is expedient to provide more precisely for the succession to certain hereditary village-offices in the Presidency of Madras ; for the hearing and disposal of claims to such offices or the emoluments annexed thereto ; for the appointment of persons to hold such offices and the control of the holders thereof ; and for certain other purposes ; It is hereby enacted as follows :—

Title, commencement and extent.

1. (1) This Act may be called the Madras Hereditary Village-offices Act, 1895 ; and it shall come into force from such date as may be notified by Government.[3]

(2) Section 5 applies to the whole of the Presidency of Madras ; the rest of the Act applies to the whole of the said Presidency except the scheduled districts as defined in the Scheduled Districts Act, 1874. Central Act XIV of 1874.

[1]This section was substituted for the original section 33, by Madras Act III of 1914, section 14.

[2]For Statement of Objects and Reasons, *see Fort St. George Gazette* Supplement, dated 7th November 1893, p. 2 ; for Report of the Select Committee, *see ibid*, dated 12th November 1893, p. 1 ; for further Report of the Select Committee, *see ibid*, dated 5th February 1895, p. 1 ; for Proceedings in Council, *see ibid*, dated 21st November 1893, p. 21 ; *ibid*, dated 4th December 1894, p. 8 ; *ibid*, dated 5th February 1895, p. 18 ; *ibid*, dated 2nd April 1895, p. 9 ; *ibid*, dated 30th April 1895, p. 1 ; and *ibid*, dated 28th May 1895, p. 1.

It has been extended under s. 5 of the Scheduled Districts Act, 1874 (Central Act XIV of 1874), to all the Scheduled Districts in the Godavari district with the exception of the Ducharti and Guditeru Muttas—*see Gazette of India*, 1896, Pt. 1, p. 249.

This Act is not in force in the taluks of Nugur, Albaka and Cherla, *vide* section 2 (2) of the Nugur, Albaka and Cherla Laws and Cesses Regulation, 1909 (Reg. I of 1909).

[3]The Act was brought into force from 1st October 1895—Revenue Notification No. 464, dated 22nd August 1895, *Fort St. George Gazette*, 1895, Part I, Page 1002.